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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,227	03/21/2001	James K. Vanderveen	60,426-242(2000P09010US01	2008

Elsa Keller  
SIEMENS CORPORATION  
186 Wood Avenue South  
Iselin, NJ 08830

7590 10/04/2002

EXAMINER
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GRIER, LAURA A

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 10/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

146

# Office Action Summary

Application No.

09/814,227

Examiner

Laura A Grier

Applicant(s)

VANDERVEEN, JAMES K.

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18 and 19 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-15 is/are rejected.
- 7) ☒ Claim(s) 3,4,16 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2

- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: figure 1 does not disclose the reference element 32, which according the specification refers to the central chamber. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because of the following informalities: the abstract sheet should only include relevant information describing the invention. The file name found on the abstract page or sheet should be removed.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. **Claims 1-2, and 5-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Everingham, U. S. Patent No. 5828759.

Regarding **claim 1**, Everingham discloses a system and method for reducing engine noise (figure 1) for use in automotive vehicles (col. 1, lines 6-7). Everingham's disclosure comprises a duct housing with an opening for receiving air (10), comprising a loudspeaker (30) mounted within the housing, wherein the housing is connected to a vehicle structure, therein (col. 1, lines 35-41 and 2, lines 20-40). However, Everingham fails to specifically disclose the housing being mounted by at least one bracket to a vehicle structure. The examiner maintains that such a mounting means was well known in the art.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Everingham by providing a bracket to mount the duct housing to the vehicle structure to provide adequate support and/or positioning of the housing in the vehicle as desired for optimal function, wherein brackets are commonly used mounting components.

Regarding **claim 2**, Everingham discloses everything claimed as applied above (see claim 1). However, Everingham fails to specifically disclose the housing being molded plastic structure. The applicant admits that plastic housing structures are common ~~for~~ to many vehicles.

Regarding **claims 5-8**, Everingham discloses everything claimed as applied above (see claim 1). However, Everingham fails to specifically disclose the various ways of mounting the bracket to the housing. There are various mechanical techniques, such as welding, fastening, pre-formed for easy insertion (e.g. snap-fitting), for mounting a bracket to another structure.

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Thus, it would have been obvious to one skill in the art at the time of the invention to implement any one of the various commonly known and/or used techniques for mounting the bracket.

Regarding **claim 9**, Everingham discloses everything claimed as applied above (see claim

1). However, Everingham fails to specifically disclose the bracket being a single bracket comprising multiple legs. Various types of brackets are used for different and specific purposes. Therefore, it would have been obvious to one of the ordinary skill to implement such a bracket for providing sufficient support of the length and weight capacity of the duct housing structure to the vehicle for the purposes of lessening vibrations movements and other instabilities that may occur.

5. **Claims 10-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Everingham.

Regarding **claim 10**, Everingham discloses a system and method for reducing engine noise (figure 1) for use in automotive vehicles (col. 1, lines 6-7). Everingham's disclosure comprises a duct housing with an opening for receiving air (10), comprising a loudspeaker (30) mounted within the housing, wherein the housing is connected to a vehicle structure, therein (col. 1, lines 35-41 and 2, lines 20-40). However, Everingham fails to specifically disclose the housing being mounted by at least one bracket to a vehicle structure. The examiner maintains that such a mounting means was well known in the art.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Everingham by providing a bracket to mount the duct housing to the vehicle structure to provide adequate support and/or positioning of the housing in

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the vehicle as desired for optimal function, wherein brackets are commonly used mounting components.

Regarding **claim 11**, Everingham discloses everything claimed as applied above (see claim 10). However, Everingham fails to specifically disclose the housing being molded plastic structure. The applicant admits that plastic housing structures are common for to many vehicles.

Regarding **claims 12-15**, Everingham discloses everything claimed as applied above (see claim 10). However, Everingham fails to specifically disclose the various ways of mounting the bracket to the housing. There are various mechanical techniques, such as welding, fastening, pre-formed for easy insertion (e.g. snap-fitting), for mounting a bracket to another structure. Thus, it would have been obvious to one skill in the art at the time of the invention to implement any one of the various commonly known and/or used techniques for mounting the bracket.

#### *Allowable Subject Matter*

6. **Claims 18-19** are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding **claim 18**, the prior art of record is drawn to noise reduction system and method thereof for a vehicle comprising a speaker, and an air cleaner. However, the prior art of record fails to specifically disclose or fairly suggest the air cleaner positioned between the speaker housing and the vehicle engine, a plurality of brackets for mounting the air cleaner and speaker housings, therein with a plurality of isolators between the brackets and the vehicle structure.

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7. **Claims 3-4, and 16-17** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Citation of Pertinent Art***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kimura et al., U. S. Patent No. 6256545, discloses active vibration reducing control apparatus and method applicable to vehicular engine mount.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231


**Or faxed to:**

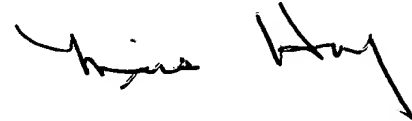
**(703) 872-9314 (for Technology Center 2600 only)**

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the receptionist whose telephone number is (703) 305-4700.

LAG   
September 26, 2002



**MINSUN OH HARVEY  
PRIMARY EXAMINER**